

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FELIPE GONZALEZ-VILLANUEVA;  
JUANITA SALVADOR-RAMIREZ,

Petitioners,

v.

MICHAEL B. MUKASEY,\*\* Attorney  
General,

Respondent.

No. 06-73058

Agency Nos. A94-290-059  
A75-735-133

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted December 20, 2007\*\*\*

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

\*\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Felipe Gonzalez-Villanueva and his wife Juanita Salvador-Ramirez seek review of an order of the Board of Immigration Appeals (“BIA”) upholding an immigration judge’s order denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the agency’s discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003). As a result, we also lack jurisdiction to review petitioners’ regulatory challenge to the BIA’s use of a single member to decide their appeal. *See Falcon Carriche v. Ashcroft*, 350 F.3d 845, 854 (9th Cir. 2003) (lack of jurisdiction to review merits of a discretionary hardship decision precludes jurisdiction to evaluate whether streamlining regulation was appropriately applied). We do not consider Gonzalez-Villanueva’s contention regarding physical presence because his failure to establish hardship is dispositive.

**PETITION FOR REVIEW DISMISSED.**